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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,113	05/24/2001	Carl Phillip Gusler	AUS920010251US1	1463

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EXAMINER

RHODE JR, ROBERT E

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/864,113

Applicant(s)


GUSLER ET AL.

Examiner

Rob Rhode

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant amendment of 11-16-04 amended claims 1, 10 and 19 as well as traversed rejections of Claims 1 - 27.

Currently, claims 1- 27 are pending.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 1, 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Surfing; [Cook/Dupage/Fox Valley/Lake/McHenry Edition]”; Dailey Herald; Arlington Heights, Ill; Dec 6, 1999 and screen captures of utok.com web site obtained via the WayBackMachine (archive.org) and hereafter collectively referred to as “Odigo” in view of “The Official America Online Tour Guide”; 4<sup>th</sup> Edition and copyrighted 1998 and hereafter referred to as “AOL”.**

Regarding Claim 1 and related claims 10 and 19 (previously amended), Odigo teaches a method and system for providing enhanced online shopping experiences to online shoppers for automatic association of two or more online shoppers, said method comprising the steps of: searching a list of concurrently online shoppers according to a set of search criteria, said shoppers each contemporarily being a user of a common

virtual shopping resource, said shoppers being otherwise disassociated with each other (see at least pages 1 and page 2, 4<sup>th</sup> para and page 6).

While Odigo does disclose a search engine and instant messaging, the reference does not specifically disclose notifying a first online shopper that at least one other concurrently online shopper meets said search criteria; and automatically associating said first online shopper with said one or more concurrently online shoppers meeting said criteria.

On the other hand and in the same area of online associating concurrently online shoppers, AOL and the Available button has a function that allows on online shoppers to determine based on a search for "buddies", whether the specific "buddy" is concurrently online. In turn, the other concurrently online "buddy" shopper is notified and instant messaging will automatically associate the first online shopper with one or more concurrently online shopper meeting a criteria such as "buddy" and notifying a first online shopper that at least one other concurrently online shopper meets said search criteria; and automatically associating said first online shopper with said one or more concurrently online shoppers meeting said criteria (See at least pages 265 – 270).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method and system of Odigo with the method and system of AOL to have enabled a method and system for providing enhanced online shopping

experiences to online shoppers for automatic association of two or more online shoppers, said method comprising the steps of: searching a list of concurrently online shoppers according to a set of search criteria, said shoppers each contemporarily being a user of a common virtual shopping resource, said shoppers being otherwise disassociated with each other; notifying a first online shopper that at least one other concurrently online shopper meets said search criteria; and automatically associating said first online shopper with said one or more concurrently online shoppers meeting said criteria – in order to enhance the online shopping social experience. Odigo discloses a method and system for providing enhanced online shopping experiences to online shoppers for automatic association of two or more online shoppers, said method comprising the steps of: searching a list of concurrently online shoppers according to a set of search criteria, said shoppers each contemporarily being a user of a common virtual shopping resource, said shoppers being otherwise disassociated with each other (see at least pages 1 and page 2, 4<sup>th</sup> para and page 6). In turn, AOL discloses a method and system notifying a first online shopper that at least one other concurrently online shopper meets said search criteria; and automatically associating said first online shopper with said one or more concurrently online shoppers meeting said criteria (See at least pages 265 – 270). Therefore, one of ordinary skill in the art would have been motivated to extend the method and system of Odigo with a method and system for notifying a first online shopper that at least one other concurrently online shopper meets said search criteria; and automatically associating said first online shopper with said one or more concurrently online shoppers meeting said criteria.

**Claims 2, 6 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Odigo and AOL as applied to claims 1 and 19 above, and further in view of "Internet everywhere"; John Adam; Technology Review; Sep/Oct 2000.**

The combination of Odigo and AOL disclose and teach substantially the applicant's invention.

However, the combination does not specifically disclose and teach a method and system wherein said step of notifying a first online shopper comprises providing a buddy position indicator on a graphical map of an online shopping mall.

On the other hand and in the same area of concurrently online shoppers and regarding Claim 2 and related claims 6 and 20 (original), Internet teaches a method wherein said step of notifying a first online shopper comprises providing a buddy position indicator on a graphical map of an online shopping mall.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Odigo and AOL with the method and system of Internet to have enabled a method and system wherein said step of notifying a first online shopper comprises providing a buddy position indicator on a graphical map of an

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online shopping mall. The combination of Odigo and AOL teach a method and system for searching for and notification and associating with other concurrently online shoppers who match a buddy list. Internet discloses a method and system wherein said step of notifying a first online shopper comprises providing a buddy position indicator on a graphical map of an online shopping mall (see at least page 4, para. 2). Therefore, one of ordinary skill in the art would have been motivated to extend the combination with a method and system wherein said step of notifying a first online shopper comprises providing a buddy position indicator on a graphical map of an online shopping mall.

**Claims 3 – 6, 8, 9, 12 – 18, 21 – 24 and 26 - 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Odigo and AOL as applied to claims 1, 10 and 19 above, and further in view of Banks (US 2002/0095465 A1).**

The combination of Odigo and AOL disclose and teach substantially the applicant's invention.

However, the combination does not specifically disclose and teach wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper name criteria; wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises

searching by an online shopper position criteria; wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper interest term criteria; wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper position proximity criteria; wherein said step of automatically associating said first online shopper with said one or more concurrently online shoppers comprises establishing a communications session between said online shoppers; and wherein said step of establishing a communications session between said online shoppers further comprises making a record of said communications session.

On the other hand and regarding Claim 3 and related claims 12 and 21 (original), Banks teaches a method wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper name criteria (see at least Abstract and Para 0064).

Regarding claim 4 and related claims 13 and 22, Banks teaches a method wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper position criteria (Para 0064). Please note that Banks does not specifically disclose location. However, Banks discloses searching to match other attributes specified by the user. Moreover, Internet does disclose location. In that regard, it would have been obvious one of ordinary skill in the



art at the time of the invention to have extended the method and system of Banks with location criteria. In this manner, the user can locate a buddy's location.

Regarding claim 5 and related claims 14 and 23, Banks teaches a method wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper interest term criteria (Page 4, Para 0064).

Regarding claim 6 and related claims 15 and 24, Banks teaches a method wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper position proximity criteria (Page 4, Para 0064).

Regarding claim 8 and related claims 17 and 26, Banks teaches a method wherein said step of automatically associating said first online shopper with said one or more concurrently online shoppers comprises establishing a communications session between said online shoppers (Page 4, Para 0060).

Regarding claim 9 and related claims 18 and 27, Banks teaches a method wherein said step of establishing a communications session between said online shoppers further comprises making a record of said communications session (Page 4, Para 0064).

Please note that Banks does not specifically disclose recording the communication session. However, it is old and well known that these chat/communications sessions can and are saved in a database, which is effectively a recording. In this manner, the individuals will be able at a later to review their online chat sessions as necessary.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Odigo and AOL with the method and system of Banks to have enabled a method and system wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper name criteria; wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper position criteria; wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper interest term criteria; wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper position proximity criteria; wherein said step of automatically associating said first online shopper with said one or more concurrently online shoppers comprises establishing a communications session between said online shoppers; and wherein said step of establishing a communications session between said online shoppers further comprises making a record of said communications session. . The combination of Odigo and AOL teach a method and system for searching for and notification and associating with other concurrently online shoppers who match a buddy list. Banks discloses a method and

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system wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper name criteria; wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper position criteria; wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper interest term criteria; wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper position proximity criteria; wherein said step of automatically associating said first online shopper with said one or more concurrently online shoppers comprises establishing a communications session between said online shoppers; and wherein said step of establishing a communications session between said online shoppers further comprises making a record of said communications session (see at least Abstract and para 0060 and 0064). Therefore, one of ordinary skill in the art would have been motivated to extend the combination with a method and system wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper name criteria; wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper position criteria; wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper interest term criteria; wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper position proximity

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criteria; wherein said step of automatically associating said first online shopper with said one or more concurrently online shoppers comprises establishing a communications session between said online shoppers; and wherein said step of establishing a communications session between said online shoppers further comprises making a record of said communications session.

**Claims 7, 16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Odigo and AOL as applied to claims 1, 10 and 19 above, and further in view of Ferreira (US 2001/0034661 A1).**

The combination of Odigo and AOL substantially discloses and teaches the applicant's invention.

However, the combination does not specifically discloses and teach a method and system wherein said step of automatically associating said first online shopper with said one or more concurrently online shoppers comprises setting position coordinates for both shoppers to equivalent values.

On the other hand in the same area of online method and systems and regarding claim 7 and related claims 16 and 25, Ferreira teaches a method and system wherein said step of automatically associating said first online shopper with said one or more

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concurrently online shoppers comprises setting position coordinates for both shoppers to equivalent values (see at least Abstract and Figures 4, 5 and 16).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Lee and Banks with the a method and system of Ferreira to have enabled a method and system wherein said step of automatically associating said first online shopper with said one or more concurrently online shoppers comprises setting position coordinates for both shoppers to equivalent values. The combination of Odigo and AOL discloses a method and the combination of Odigo and AOL teach a method and system for searching for and notification and associating with other concurrently online shoppers who match a buddy list. Ferreira disclose a method and system wherein said step of automatically associating said first online shopper with said one or more concurrently online shoppers comprises setting position coordinates for both shoppers to equivalent values (Abstract and Figures 4, 5 and 16). Therefore, it would have been obvious to one of ordinary skill in the art to have extended the combination of Odigo and AOL with a method and system wherein said step of automatically associating said first online shopper with said one or more concurrently online shoppers comprises setting position coordinates for both shoppers to equivalent values.

### **Response to Arguments**

Applicant's arguments, see previous rejection, filed 11/16/2004, with respect to the rejection(s) of claim(s) 1 - 27 under 35 USC 103(a) have been fully considered and are persuasive as relates to Lee. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Odigo, AOL and Internet.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Rhode whose telephone number is (703) 305-8230. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(703) 308-1344**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

**Alexandria, Va. 22313-1450**

or faxed to:

**(703) 872-9306** [Official communications; including

After Final communications labeled

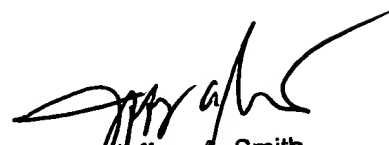
"Box AF"]

**(703) 746-7418** [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal  
Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

RER



Jeffrey A. Smith  
Primary Examiner